

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NICOLE TOUSSAINT,

Plaintiff,

-against-

CHASE BANK,

Defendant.

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NINA R. MORRISON, United States District Judge:

On May 16, 2023, Fritz Gerald Toussaint filed this action on behalf of Nicole Toussaint against Chase Bank. *See generally*, ECF No. 1 at 1–2. Mr. Toussaint also filed an application to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915(a).¹ ECF No. 2. Mr. Toussaint’s IFP application is denied, and the Clerk of Court is directed to close this action.

Mr. Toussaint’s attempt to file this action “for Nicole Toussaint,” *see* ECF No. 1 at 6, cannot proceed. Although federal law affords parties a statutory right to “plead and conduct their own cases personally,” 28 U.S.C. § 1654, that statute does not permit “unlicensed laymen to represent anyone else other than themselves.” *Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007) (citation omitted); *Guest v. Hansen*, 603 F.3d 15, 20 (2d Cir. 2010) (“A person who has not been admitted to the practice of law may not represent anybody other than himself.”); *Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998) (“[B]ecause *pro se* means to appear for one’s self, a person may not appear on another person’s behalf in the other’s cause.”). Mr.

¹ Mr. Toussaint files the IFP application ostensibly on behalf of Nicole Toussaint. *See* ECF No. 2.

Toussaint does not allege that he is a licensed attorney. Therefore, he cannot represent Nicole Toussaint in federal court. Accordingly, any claims filed on behalf of Nicole Toussaint are dismissed without prejudice.

Furthermore, the Court takes judicial notice that based on Mr. Toussaint's history of litigation in this Court,² the Honorable Diane Gujarati, United States District Judge, has directed Mr. Toussaint to show cause by June 23, 2023, why he should not be enjoined from filing any new action seeking *in forma pauperis* status without first obtaining leave of Court. *See Toussaint v. Lyft*, No. 23-CV-3750 (DG)

² Mr. Toussaint has also filed the following cases: *Toussaint v. All Points Realty*, No. 22-CV-1010 (DG) (LB) (transferred Apr. 8, 2022); *Toussaint v. Ping*, No. 22-CV-1059 (DG) (LB) (transferred Apr. 27, 2022); *Toussaint v. Shulman*, No. 22-CV-1060 (DG) (LB) (transferred May 10, 2022); *Toussaint v. Cap. One Fin. Servs.*, No. 22-CV-1061 (DG) (LB) (transferred Apr. 27, 2022); *Toussaint v. Benhoelfer*, No. 22-CV-1236 (DG) (LB) (transferred May 6, 2022); *Toussaint v. Gonzalez*, No. 22-CV-1583 (DG) (LB) (transferred Apr. 13, 2022); *Toussaint v. Mirhom*, No. 22-CV-1584 (DG) (LB) (transferred May 6, 2022); *Toussaint v. Essex Cnty. Adjuster*, No. 22-CV-1707 (DG) (LB) (transferred Apr. 17, 2022); *Toussaint v. Sanchez*, No. 22-CV-1708 (DG) (LB) (transferred Apr. 27, 2022); *Toussaint v. Brooklyn Pub. Libr.*, No. 22-CV-5079 (DG) (LB) (voluntary dismissal Nov. 4, 2022); *Toussaint v. Jersey City Pub. Libr.*, No. 22-CV-6767 (DG) (LB) (transferred Nov. 10, 2022); *Toussaint v. Brooklyn Pub. Libr.*, No. 23-CV-309 (DG) (LB); *Toussaint v. Clerk of the Civ. Ct.*, No. 23-CV-550 (DG) (LB); *Toussaint v. TD Bank*, 23-CV-551 (DG) (LB); *Toussaint v. Md. Dep't of Transp.*, No. 23-CV-560 (DG) (LB) (transferred Jan. 31, 2023); *Toussaint v. Booker*, No. 23-CV-776 (DG) (LB); *Toussaint v. Off. of the Att'y Gen. of State of N.Y.*, No. 23-CV-778 (DG) (LB); *Toussaint v. N.Y. Pub. Libr.*, No. 23-CV-853 (DG) (LB); *Toussaint v. Suarez*, No. 23-CV-854 (DG) (LB); *Toussaint v. Dronenburg*, No. 23-CV-855 (DG) (LB); *Toussaint v. Obama*, No. 23-CV-1413 (DG) (LB); *Toussaint v. Benzenhoefer*, No. 23-CV-1414 (DG) (LB) (transferred Mar. 1, 2023); *Toussaint v. RMA of N.J.*, No. 23-CV-1448 (DG) (LB) (transferred Mar. 2, 2023); *Toussaint v. Pearl Asset LLC*, No. 23-CV-1619 (DG) (LB); *Toussaint v. Off. of the Dir. of Nat'l Intel.*, No. 23-CV-1620 (DG)(LB); *Toussaint v. Consumer Fin. Bureau*, No. 23-CV-1621 (DG) (LB); *Toussaint v. Verizon*, No. 23-CV-1622 (DG) (LB); *Toussaint v. Food and Drug Admin.*, No. 23-CV-1742 (DG) (LB); *Toussaint v. JetBlue*, No. 23-CV-1744 (DG)(LB); *Toussaint v. Inst. for Fam. Health*, No. 23-CV-1745 (DG) (LB) (dismissed May 19, 2023); *Toussaint v. Port Auth. of N.Y. and N.J.*, No. 23-CV-1746 (DG) (LB).

(LB); *Toussaint v. Home Depot*, No. 23-CV-3751 (DG) (LB); *Toussaint v. Bank of America*, No. 23-CV-3752 (DG) (LB); *Toussaint v. Apple*, No. 23-CV-3753 (DG) (LB) (E.D.N.Y. June 2, 2023) (order consolidating and dismissing the four complaints and directing Mr. Toussaint to show cause why he should not be subject to a filing injunction).

CONCLUSION

As set forth above, Mr. Toussaint cannot proceed with this action on behalf of Nicole Toussaint. Moreover, the IFP application signed by Mr. Toussaint is denied. The complaint, therefore, is dismissed without prejudice. The Clerk of Court is directed not to accept any action filed by Mr. Toussaint on behalf of another person or entity.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore denies *in forma pauperis* status for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to close this action and mail a copy of this Order to Plaintiff.

SO ORDERED.

/s/ NRM
NINA R. MORRISON
United States District Judge

Dated: June 16, 2023
Brooklyn, New York